

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT 20 2016

MATTHEW J. DYKMAN
CLERK

Case No.

16mj3861

United States of America

v.

BRANDY L. RODRIGUEZ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 27, 2016 in the county of Valencia in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 USC § 1512

Tampering with a witness, victim, or an informant

18 USC § 1513

Retaliating against a witness, victim, or an informant

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Nancy Stemo, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

October 20, 2016

Judge's signature

City and state:

Albuquerque, NM

Karen B. Molzen, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Introduction

I, Nancy Stemo, being duly sworn, depose and say:

1. I have been a law enforcement officer for five months and am employed as a Special Agent with the Federal Bureau of Investigation (FBI). I am assigned to the FBI's Safe Streets Gang Task Force in Albuquerque, New Mexico, where I primarily investigate gang/criminal enterprises.
2. This affidavit is being submitted in support of an arrest warrant and criminal complaint charging BRANDY L. RODRIGUEZ (born in 1977) with Tampering with and Retaliating Against a witness, victim, or an informant, in violation of 18 U.S.C. §§ 1512 and 1513.

Background:

3. I am one of the co-case agents in the investigation of the Sindicato de Nuevo Mexico (SNM) Gang that operates within the District of New Mexico and elsewhere. The SNM, including its leadership, membership, prospects, and associates, constitutes an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which, affect interstate commerce. The enterprise constitutes an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. Over the past 18-months, FBI agents have arrested dozens of SNM members and associates on federal racketeering, violent crime, drug trafficking and firearms charges. The investigation of the SNM remains active. One aspect of the overall investigation pertains to a series of unsolved murders and serious assaults, perpetrated by members of the SNM Gang.

2015-2016 Assaults with Deadly Weapons, Causing Serious Bodily Injury to Victim JG:

4. One such assault occurred on or about March 17, 2015, in Valencia County, New Mexico. SNM Gang member Joe Lawrence Gallegos stabbed victim JG with a knife, causing serious bodily injury to JG. Law enforcement investigated the incident, and Gallegos was charged with Aggravated Battery and Assault to Commit a Violent Felony. That case is pending within Valencia County, under case number M59FR20150014. Gallegos was arrested by the FBI in December 2015 for Violent Crime in Aid of Racketeering (VICAR) Murder, in violation of 18 USC § 1959(a). Gallegos remains in federal custody.
5. A related assault on victim JG took place on or about February 27, 2016, in Valencia County, NM. A known associate of Gallegos, SUBJECT 1, directed BRANDY L. RODRIGUEZ and SUBJECTS 2 and 3 to drive to a residence in Valencia County, where victim JG was, to assault JG for being a witness/victim against Gallegos.¹ SUBJECT 1 provided his/her vehicle to RODRIGUEZ so that she could drive the other subjects to the victim's location. Inside SUBJECT 1's vehicle were at least two weapons, a machete and a black metal baton. RODRIGUEZ drove SUBJECT 3 and SUBJECT 4 to the

¹ SUBJECTS 1-3 are known to me; however I am not disclosing their names in this affidavit.

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victim's location and all three subjects made contact with a female associate, who indicated that victim JG was inside the residence. RODRIGUEZ, the female associate, and SUBJECTS 2 and 3 entered the residence. SUBJECTS 2 and 3 attacked JG with the machete and metal baton. JG was told that Gallegos had put a green light on him and they were going to kill him. JG was struck on the head with the baton and machete and suffered serious injuries to the face, head, neck, and hands. JG lost consciousness and SUBJECTS 2 and 3 are believed to have assumed the victim was dead. JG woke up sometime later and was able to flee to a neighbor's home, at which time the police were called. The assailants fled.

6. FBI agents interviewed JG about the two incidents in which he was assaulted. JG identified RODRIGUEZ and SUBJECTS 1-3 as those involved in the recent assault.

7. On March 24, 2016, detectives with the Valencia County Sheriff's Office obtained a felony arrest warrant for RODRIGUEZ, charging her with Conspiracy to Commit Aggravated Battery, Conspiracy to Commit Kidnapping, Conspiracy to Commit Aggravated Burglary, and being an Accessory to Kidnapping, warrant number M-59-FR-201600123.

8. On March 28, 2016, members of the FBI gang task force contacted RODRIGUEZ at an apartment in Albuquerque and placed her under arrest on the outstanding warrant. State probation officers, supporting the gang task force, searched the apartment pursuant to the terms of RODRIGUEZ's state probation, and located several photos and letters to RODRIGUEZ from various SNM Gang members, to include Gallegos. A search of RODRIGUEZ's cellular telephone resulted in the discovery of several text messages with SNM Gang members and SUBJECTS 2 and 3.

Statement of Brandy L. Rodriguez:

9. FBI Special Agent Bryan Acee was present during the arrest of RODRIGUEZ and advised her of her Miranda Rights. RODRIGUEZ waived her rights and signed an FBI FD-395 form, indicating the same.

10. RODRIGUEZ provided Special Agent Acee with an account of what occurred during the February, 2016, assault of victim JG. RODRIGUEZ said that she and SUBJECT 2 and SUBJECT 3 were with SUBJECT 1, when SUBJECT 1 learned that JG was at a residence in Los Lunas, NM. SUBJECT 1 told RODRIGUEZ and SUBJECTS 2 and 3 to get over to the house and take care of JG. RODRIGUEZ knew SUBJECT 1 and Gallegos were after JG because JG had agreed to testify against Gallegos. RODRIGUEZ drove SUBJECTS 2 and 3 to the victim's location and entered the house with them. RODRIGUEZ escorted a female out of the house and stayed with the female in the back yard while SUBJECT 2 and SUBJECT 3 assaulted JG. RODRIGUEZ said SUBJECTS 2 and 3 were armed with a black, metal, baton, and a metal machete. At one point, RODRIGUEZ saw JG run out of the house with "a serious cut" on his head and "was all bloody." RODRIGUEZ jumped over a fence and ran away. SUBJECTS 2 and 3 then ran out of the house with their weapons, the baton and machete, and could not

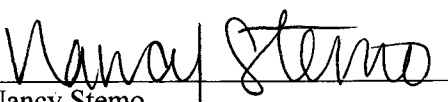
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find JG. SUBJECTS 2 and 3 then ran to the car, where RODRIGUEZ met them and they fled the area. RODRIGUEZ thought SUBJECTS 2 and 3 were going to kill JG, but was glad they did not.

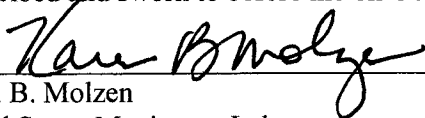
Conclusion:

11. Based on the above information, I believe that there is probable cause to believe that on or about February 27, 2016, RODRIGUEZ violated 18 U.S.C. §§ 1512 and 1513 - Tampering with and Retaliating Against a witness, victim, or an informant, within the District of New Mexico.

Respectfully submitted,


Nancy Stemo
FBI Special Agent

Subscribed and sworn to before me on October 20, 2016:


Karen B. Molzen
United States Magistrate Judge